

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**BAYOU CITY WATERKEEPER**  
**Plaintiff**

**v.**

**CITY OF HOUSTON**  
**Defendant**

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**CIVIL ACTION NO. 4:18-cv-03369**

**DEFENDANT CITY OF HOUSTON'S  
UNOPPOSED MOTION TO EXTEND DISCOVERY STAY**

Defendant City of Houston (the “City”) requests that the Court extend the current stay of discovery an additional 31 days until August 31, 2020. The City understands that the United States of America and the State of Texas plan to file their Motion to Enter the Consent Decree within a matter of days, or earlier, but the current stay expires at midnight on July 31, 2020.

In its May 5, 2020 Order, the Court stayed discovery in this case until July 31, 2020, because of the pending Consent Decree that has been lodged in the related lawsuit filed against the City by the United States of America and the State of Texas that is now pending in Judge Eskridge’s court: *United States v. City of Houston*, No. 4:18-CV-3368 (S.D. Tex.) (the “United States’ Lawsuit”).<sup>1</sup> The Court stated that if “the settlement in the United States’ Lawsuit has not been finalized by that date, the parties may request an extension of the stay.”<sup>2</sup>

The United States and Texas have formally lodged the Consent Decree containing the terms of the settlement in the United States’ Lawsuit.<sup>3</sup> As part of the settlement-approval process in the United States’ Lawsuit, the United States and Texas have provided the required public notice and

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<sup>1</sup> See Doc. 37. The United States’ Lawsuit was previously in Judge Werlein’s court. On October 23, 2019, the United States’ Lawsuit was transferred to Judge Eskridge’s court. See Doc. 41 in the United States’ Lawsuit.

<sup>2</sup> *Id.*

<sup>3</sup> Doc. 27.

opportunity for public comment.<sup>4</sup> The United States published information regarding the settlement in the Federal Register on September 3, 2019, with the comment period concluding on October 3, 2019.<sup>5</sup> At BCW's request, the United States extended the comment period to until November 8, 2019.<sup>6</sup>

The City has consulted with the United States and Texas regarding the status of their review and response to comments. The United States and Texas indicated that their motion incorporating their response to comments should be filed in the next several days. Once that motion is filed, the district court in that case will be able to review the motion and the response to comments and Consent Decree, and rule upon its entry.

To ensure that the stay is extended until the Motion to Enter the Consent Decree is filed, the City, therefore, requests that the Court extend the current stay on discovery an additional 31 days, until August 31, 2020.

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<sup>4</sup> 28 C.F.R. § 50.7; TEX. WATER CODE § 7.110.

<sup>5</sup> 84 FED. REGISTER 46,049 (Sep. 3, 2019).

<sup>6</sup> 84 FED. REGISTER 54,181 (Oct. 9, 2019).

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2020, a copy of the above document was served on all counsel of record via the Court's electronic filing system.

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/s/ Debra Tsuchiyama Baker  
Debra Tsuchiyama Baker

### **CERTIFICATE OF CONFERENCE**

I hereby certify that on July 31, 2020, I conferred with Plaintiff Bayou City Waterkeeper's counsel Lauren Ice, who informed me that Plaintiff Bayou City Waterkeeper does not oppose the Court granting the relief requested in this motion.

/s/ Debra Tsuchiyama Baker  
Debra Tsuchiyama Baker